

Remarks

The Applicant acknowledges with thanks the Advisory Action filed by the Examiner on October 6, 2005. In that Action, the Examiner stated that the affidavit filed under 37 C.F.R. § 1.131 that was attached to the Applicant's Reply was incomplete. Specifically, the Examiner noted that the Declaration of David Walter, which had been attached as Exhibit B to the September 26, 2005 Reply was missing. The Applicant submits that the complete Reply and Request for Reconsideration, including the Declaration of David Walter was filed on September 26, 2005. The Applicant further submits that the Examiner's failure to consider the affidavit of David Walter was caused through no fault of the Applicant and was due to mishandling of the Applicant's September 26 Reply in the Patent Office. Therefore, pursuant to MPEP § 1.8(b), the Applicant files this Supplemental Amendment, including the Declaration of David Walter, and requests that the Examiner consider the Declaration.

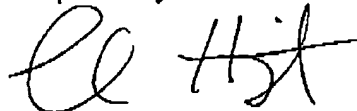
In support of these contentions, the Applicant has attached the following evidence. Exhibit A is the Auto-Reply Facsimile Transmission sent by the Patent Office to the Applicant's attorney. This document clearly shows that an 11 page fax document was received by the Patent Office on September 26, 2005. The Applicant has attached as Exhibit B the transmission receipt generated by the Applicant's attorney's facsimile machine. This document clearly shows that an 11 page fax document was sent to the Patent Office on September 26, 2005. The Applicant has attached as Exhibit C the Declaration of Katie Ireland. Ms. Ireland is an employee of the Applicant's attorneys, and was the person who initiated the facsimile transmission to the Patent Office on September 26, 2005. Ms. Ireland affirms that she sent an 11 page fax document to the

Patent Office on September 26, 2005 and that the Declaration of David Walter was a part of that 11 page fax document. Finally, the Applicant has attached, as Exhibit D, the Declaration of David Walter.

In light of the forgoing, the Applicant believes it is incontrovertible that the complete Reply and Request for Reconsideration, including the Declaration of David Walter, was sent on September 26, 2005. The Applicant cannot be penalized for the mishandling of this document by the Patent Office resulting in the Examiner's inability to consider this document. Therefore, the Applicant respectfully requests that the attached Declaration of David Walter (Exhibit D) be attached to the Reply and Request for Reconsideration filed September 26, 2005, and that the Examiner consider the Declaration of David Walter as it supports the allowance of the present application, and that the Examiner issue an amended Advisory Action including his consideration of the attached Declaration of David Walter. It is also respectfully submitted that, in consideration of the attached evidence, amended claims 61-98 are in condition for allowance, and such allowance is earnestly solicited.

Date: October 25, 2005

Respectfully submitted,



Carl A. Hjort, III
PTO Reg. No. 56,934
ATTORNEY FOR APPLICANT
The Bilicki Law Firm, P.C.
1285 North Main St.
Jamestown, NY 14701
(716) 664-5600

EXHIBIT A

USPTO 9/26/2005 10:15 AM - PAGE 1/001 Fax Server
 TO: Auto-reply fax to 7166645606 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 7166645606

Fax Information

Date Received:

Total Pages:

 9/26/2005 10:05:57 AM [Eastern Daylight Time]
 11 (including cover page)

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9/26/05

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
 Cover
 Page

Top 26 10:10:00 The Billocki Law Firm, P.C 7166645606 P.1					
TRANSMITTAL LETTER (General Patent Pending)					Doclet No. 191,801,499
In Re Application Of: Next Wave					
Application No. 18512077	Filing Date 9/15/04	Examiner Gerald D. Kube	Customer No. 623415	Group An Unit 3618	Confirmation No. 4395
Title: TRAMP BOARD					
COMMISSIONED FOR PAYMENT					
Transmitted herewith is: Transmittal Letter (1 page) Mentis and Screens for Renovation (18 pages)					
In the above identified application:					
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Sender is hereby authorizing in charge and credit (Deposit Account No. 50-1631) to deposit of funds. <input type="checkbox"/> Change the amount of _____ <input checked="" type="checkbox"/> Credit only overpayment. <input checked="" type="checkbox"/> Change my address (see required) <input type="checkbox"/> Payment by credit card (Form MTO-2035 is attached)					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on MTO-2035.					
Michael A. Billocki (NPTE) Reg. No. 42,279 THE BILLOCKI LAW FIRM, P.C. 1281 North Main Street Jamaica, NY 11431			Dated: 26 Sept 05		
CC:					
(Stamp: This letter will be destroyed if not returned within 30 days of the date of the last class and in all instances referred to the Commissioner for Patents, P.O. Box 1971, Alexandria, VA 22304-1971)					
(Stamp: Please Print Name of Person Making Contribution)					
PAGE 011 * RCVD AT 9/26/2005 10:15:57 AM [Eastern Daylight Time] * SVR:USPTO-EFTRF-624 * DNIS:2738300 * CSID:7166645606 * DURATION (mm-ss):02-58					

EXHIBIT B

HP Officejet 6100 Series 6110
Personal Printer/Fax/Copier/Scanner

Log for
The Bilicki Law Firm, P.C.
7166645606
Sep 26 2005 10:08am

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 26	10:06am	Fax Sent	15712738300--7191	2:09	11	OK

EXHIBIT C

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OCT 25 2005

PATENT

Docket No.: 191.0014901

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Walter, Scott A.

Examiner: Klebe, Gerald B.

Serial No.: 10/612,687

Art Unit: 3618

Filing Date: 01 July 2003

For: TRAMP BOARD

DECLARATION OF KATIE IRELAND

I, Katie Ireland, pursuant to 18 U.S.C. § 1001 and 37 C.F.R. § 1.68 which relate to unsworn declarations under penalty of perjury, declare:

- 1) I am 25 years old, and I fully understand this declaration and the legal effects thereof.
- 2) I have personal knowledge of all matters set forth herein, and I am competent to testify thereto.
- 3) I am an employee of the Bilicki Law Firm, P.C., attorneys of record for the above referenced application.
- 4) On September 26, 2005, I sent a Reply and Request for Reconsideration in regard to the above referenced application by facsimile to the Patent Office.
- 5) At the time I sent the aforesaid facsimile, the Reply and Request for Reconsideration was complete and included the Declaration of David Walter.
- 6) I have reviewed and understand the contents of the above statements.

Katie Ireland dec.CAH.10.20.05

- 7) All statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true.
- 8) These statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both under 18 U.S.C. §1001 and may jeopardize the validity of the application or any patent issuing thereon.

Katie Ireland
Katie Ireland

10/24/2005
Date

Katie Ireland dec.CAH.10.20.05

EXHIBIT D

RECEIVED
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OCT 25 2005

PATENT

Docket No.: 191.0014901

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Walter, Scott A.
Examiner: Klebe, Gerald B.
Serial No.: 10/612,687
Art Unit: 3618
Filing Date: 01 July 2003
For: TRAMP BOARD

<p align="center">CERTIFICATION UNDER 37 C.F.R. §1.10</p> <p>I hereby certify that this correspondence and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date _____ in an envelope, Express Mail Label No. _____ addressed to: Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.</p> <p align="right">_____ Katie M. Ireland</p>

DECLARATION UNDER 37 C.F.R. SECTION 1.131

I, David A. Walter, pursuant to 18 U.S.C. § 1001 and 37 C.F.R. § 1.68 which relate to unsworn declarations under penalty of perjury, declare:

- 1) I am over the age of twenty-one years old, I have personal knowledge of all matters set forth herein, and I am competent to testify thereto.
- 2) I am the father of the named inventor, Scott Walter, for application serial number 10/612,687, entitled "Tramp Board."
- 3) I am currently employed by Habiterria, an architectural firm located at:

1279 North Main Street
Jamestown, NY 14701
- 4) I have been president of Habiterria for approximately 14 months. Prior to becoming president, I was Vice President for approximately 10 years.
- 5) I am a member of the American Institute of Architects and am certified by the National Council of Architectural Registration Boards.
- 6) I have a Masters degree in Architecture from Tulane University and a Bachelors of Science in Biology from Allegheny College.

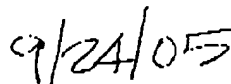
David Walter.rule131 dec.MAB.09.23.05

- 7) Scott A. Walter conceived of, in the United States, the invention claimed in the above-identified patent application prior to March 16, 2001, the filing date of published U.S. Patent Application Number 2002/0077222 to Daley, as cited in the pending Final Office Action.
- 8) Scott A. Walter reduced to practice in the United States the invention disclosed and claimed in the above-identified patent application prior to March 16, 2001.
- 9) My residence and address are as stated below my name.
- 10) I have reviewed and understand the contents of the above statements.
- 11) All statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true.
- 12) These statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both under 18 U.S.C. §1001 and may jeopardize the validity of the application or any patent issuing thereon.



David A. Walter

Residence: United States
1854 Manchester Road
Jamestown, NY 14701



Date

David Walter, rule131 dec.MAB.09.23.05